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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,337	11/13/2003	Keng-Lon Lei	JCLA9898	4089

23900 7590 11/15/2006

J C PATENTS, INC.  
4 VENTURE, SUITE 250  
IRVINE, CA 92618

EXAMINER

HALEY, JOSEPH R

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/714,337	LEI, KENG-LON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joseph Haley	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the optical pickup being removed from focus as claimed in claims 14-17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto.

In regard to claim 11, Matsumoto teaches setting said operational power parameter; causing said operational control signal to be the same as an operational control signal for an actual disk recording process; transferring said laser beams to a signal, sampling and holding said signal to obtain a sample holding signal (fig. 2); obtaining said laser power based on said sample holding signal (see column 9 lines 20-27); and changing said operational power parameter and repeating the above steps to obtain another said laser power (see fig. 2 where Matsumoto teaches testing many laser powers).

In regard to claim 12, Matsumoto teaches applying a curve fit method to obtain a curve representing a relationship between said operational power parameter and said laser power based on said operational power parameters and said laser powers (column 9 lines 22-24).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Nishida (JP 62020153).

In regard to claim 13, Matsumoto teaches all the elements of claim 13 except defocusing said optical pick-up head before transferring said laser beams.

Nishida teaches defocusing said optical pick-up head before transferring said laser beams (see abst. Nishida teaches defocusing while initially radiating to eliminate damage)

The two are analogous art because they both deal with the same field of invention of recording onto an optical medium.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide Matsumoto with the defocusing method of Nishida. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Matsumoto with the defocusing method of Nishida because it would prevent damage of the disc.

In regard to claim 14, Nishida teaches wherein said defocusing step is performed by rotating said optical pick-up head such that the focus of said optical pick-up head is not located on the tested disk (see abst. It is inherent that to defocus the pick-up must be removed from focus).

In regard to claim 15, Nishida teaches wherein said defocusing step is performed by changing the distance between said optical pick-up head and a tested disk such that the focus of said optical pick-up head is not located on the tested disk (see abst.).

In regard to claim 16, Nishida teaches wherein said defocusing step is performed by moving said optical pick-up to a side of a focus (see abst.).

In regard to claim 17, Nishida teaches wherein said defocusing step is performed by removing said optical pick-up from a focus (it is inherent that to defocus the pick-up must be removed from focus).

### ***Response to Arguments***

Applicant's arguments filed 9/5/06 have been fully considered but they are not persuasive. In regard to claims 11 and 12, applicant argues on page 5, paragraph 2, lines 2 and 3 that Matsumoto does not teach sampling and holding said signal to obtain a sample holding signal and obtaining said laser power based on said sample holding signal. However, the examiner maintains this rejection because as shown in column 9 lines 5-8, Matsumoto teaches changing the test recording power to many different levels to perform OPC. To do this the apparatus of Matsumoto must sample many values and hold them for a certain period of time to test each level; therefore, this corresponds to sampling and holding said signal to obtain a sample holding signal and obtaining said laser power based on said sample holding signal.

In regard to claims 13-17, applicant argues on page 7, paragraph 3, lines 1 and 2, that "the Examiner failed to establish a prima facie obviousness because there is no

motivation to combine Nishida and Matsumoto". However, the examiner maintains this rejection because as stated in the abstract of Nishida, the purpose of the defocus upon initialization is to prevent damage to the disc.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

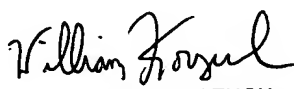
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrh 

  
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